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Chair

Mr. Bryan May

Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities

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● (0850)

[*English*]

The Chair (Mr. Bryan May (Cambridge, Lib.)): Good morning. Welcome to the committee's first meeting on Bill C-81, An Act to ensure a barrier-free Canada. The objective of today's meeting is to start the committee's study on the bill. We will begin this process today as we are joined by the Minister of Public Services and Procurement and Accessibility and her officials.

Bear with me, I've got a bit of a preamble here. I'd like to take a moment to remind both those participating in the proceedings as well as those observing the proceedings of the committee in person and on video that the committee adopted a motion on September 18 that included instructions for the clerk to explore options to allow for the full participation of all witnesses and members of the public on this study.

As a result, the committee has made arrangements to make all meetings in relation to the study of Bill C-81 as accessible as possible in a variety of ways. This includes providing sign language interpretation and near real-time closed captioning in the room. Please note that both American Sign Language and Quebec Sign Language are being offered to those in our audience. The sign language interpreters in the room are also being videorecorded for eventual broadcast of the meeting on ParlVU via the committee's website.

In light of these arrangements, the committee would ask that if you need to leave the room during the meeting, please do not walk in front of the sign language interpreters. Instead, please use the extremities of the room. In addition, we would ask that those in the room remain seated as much as possible during the meeting so that everyone in the audience can clearly see the sign language interpretation.

Finally, if a member of the audience requires assistance at any time, please notify a member of the staff or the committee clerk.

Thank you very much, everybody, and without further ado, I would like to welcome the Honourable Carla Qualtrough, Minister of Public Services and Procurement and Accessibility, as well as James Van Raalte, director general of the accessibility secretariat, and Erik Lapalme, senior policy analyst, accessibility secretariat.

Welcome to all of you, and Minister, I believe you have some remarks. The next 10 minutes are all yours.

Hon. Carla Qualtrough (Minister of Public Services and Procurement and Accessibility): Thank you, Mr. Chair, and thank you for your intentional and deliberate efforts and success at making these committee meetings inclusive and accessible for everyone. I know that the members of the disability community certainly appreciate it, as do I.

Good morning, everyone. Thank you for inviting me here today to present Bill C-81, an act to ensure a barrier-free Canada, the accessible Canada act.

It was an honour to stand up in the House of Commons two weeks ago and open debate for this proposed act. The bill, should it be enacted, will allow for the identification, removal and prevention of barriers that keep all Canadians from participating in society. Bill C-81 would significantly transform how Canada addresses accessibility. It would allow us to become proactive instead of reactive. It would allow for a fundamental shift in the way the Government of Canada does business.

We need to ensure equality for all from the start. It's time for broad organizational and cultural change. There is no reason to wait for people to be discriminated against before we act. We know discrimination exists. We know that over 50% of the complaints to the Canadian Human Rights Commission are on the basis of disability.

Canadians with disabilities deserve better, to be valued as civic, social and economic contributors to Canadian society with the full rights of citizenship.

An incredible amount of dedicated work and public consultation went into the drafting of this bill. We heard from over 6,000 individuals and organizations from all across the country.

[*Translation*]

This extensive consultation allowed us to better understand the needs of the disability community.

[*English*]

We came to the conclusion that policies and practices currently in place simply do not adequately take into account the barriers faced by Canadians with disabilities in their day-to-day lives. Canadians with disabilities do not want to be treated as a burden, but as full, equal members of society. They should have the same rights and the same opportunities as everyone else, and accessibility is about addressing the barriers created by society that prevent people with disabilities from enjoying their human rights on an equal basis with others.

[*Translation*]

Bill C-81 will lead to the establishment of accessibility standards in the areas of employment, the built environment, information and communication technologies, the delivery of programs and services and transportation. It will apply to Parliament, the Government of Canada, crown corporations and federally regulated entities, including organizations in the transportation, telecommunications, broadcasting and banking sectors.

[*English*]

Thanks to Bill C-81, Canadians with disabilities, who are valued and contributing members of society, would have greater opportunities to participate in their communities and in the workplace. It would make it easier for them to get a job and stay in that job, to travel, to communicate with friends and family, and to access products, programs and services on an equal basis with others.

Bill C-81 would create a framework and new organizations for developing accessibility standards, establishing and enforcing accessibility requirements, and monitoring implementation. It would establish the Canadian accessibility standards development organization, or CASDO, in order to create standards that work for both industry and the disability community.

The majority of CASDO board members would have lived disability experience. Once accessibility standards are developed, they would need to be adopted into regulations by the Government of Canada to become law. Standards would change over time with changes in technology and best practices. Having standards in regulations, rather than in the proposed act, would mean they can be updated more readily to reflect these changes.

Our intention is to allow the government to move more quickly to improve accessibility by adopting recognized and established standards that have been developed and validated by technical experts, industry and people with disabilities.

What would all this mean for Canadians with disabilities? An example I like to use involves the accessibility of a bank ATM for a person with a visual impairment. In our current system, if a customer is blind and can't use the ATM and this isn't addressed by the bank, the person would need to file a discrimination complaint with the Canadian Human Rights Commission. Once a decision was made—and this could be years later—in favour of the complainant, it would be applicable only to the specific ATM in question and not to all banks and certainly not all ATMs across the board.

To compare this with what the scenario would look like under the proposed legislation, it would be CASDO— through a technical committee comprising persons with a disability, industry representatives and technical experts—that would define the standards for accessible ATMs. The standard would then come to the minister of accessibility for adoption through the regulatory process, after which time the regulation would apply to all banks in Canada. The accessibility commissioner would monitor compliance with the regulation and would have the ability to impose monetary penalties if the banking sector was not adhering to the regulation.

This example shows how this important change in framework and process shifts the burden from the individual to the system and also allows for a more comprehensive and consistent application of accessibility within areas of federal jurisdiction.

● (0855)

[*Translation*]

This is a very tangible example of how this legislation will positively impact Canadians.

[*English*]

The proposed legislation would require organizations to think about how to integrate accessibility into their day-to-day operations. However, there may be circumstances, albeit exceptional, in which it would be appropriate for a regulated entity to be exempted from certain requirements under Bill C-81.

For example, it may be appropriate to exempt, on a case-by-case basis, a small business, because it might be more productive for this organization to focus its resources and efforts where it can have the biggest impact on accessibility.

To ensure transparency and accountability, the exempting authority—the designated minister, the CRTC or the CTA—would be required to make exemptions public by publishing them in the Canada Gazette.

The bill also provides real teeth to ensure meaningful and lasting change among organizations under federal jurisdiction. Compliance, enforcement and complaints would be processed through the accessibility commissioner, with the exception of those under the jurisdiction of the CRTC, the CTA and the Federal Public Service Labour Relations and Employment Board.

This model builds on existing sector-based mandates for the purposes of efficiency and takes advantage of accessibility experience and expertise. Bill C-81 includes provisions for a "no wrong door" approach to ensure collaboration and coordination across organizations for efficient and expeditious referral of accessibility-related complaints.

If passed, this legislation will also be a significant step in Canada's ongoing implementation of the United Nations Convention on the Rights of Persons with Disabilities, to which Canada is a proud state party. Once Bill C-81 receives royal assent, the Canadian Human Rights Commission would become responsible for monitoring the Government of Canada's implementation of the convention.

Make no mistake. There is still a lot to be done to create a Canada without barriers and it's imperative to do things right from the get-go. As proposed, the legislation includes a number of foundational elements. It's anticipated that new organizations such as the Canadian accessibility standards development organization, CASDO, the accessibility commissioner and the chief accessibility officer would be up and running within six to 12 months of the legislation coming into force and that the first set of regulations under the legislation would come into force in 2020-21.

I'm being told to slow down.

How will Canadians know that organizations are taking steps to improve accessibility? Under Bill C-81, regulated entities would be required to prepare and publish accessibility plans in consultation with persons with disability. These plans would describe the organizations' strategies for improving accessibility and meeting their legal obligations. The organizations would also have to establish feedback processes on their accessibility from employees and members of the public, and prepare and publish annual progress reports on the implementation of their plans.

Moreover, a new position, called the "chief accessibility officer", would be established. The person appointed to this role would be responsible for monitoring and reporting on the overall outcomes achieved by the act and in respect of systemic and emerging accessibility issues.

● (0900)

[*Translation*]

These measures would allow for Canadians to monitor progress on accessibility and the implementation of Bill C-81 in a very transparent manner.

If adopted, Bill C-81 will bring broad organizational and cultural change.

Through the creation and enactment of new accessibility standards, new planning and reporting requirements, and strong proactive enforcement tools, Bill C-81 will lead to greater accessibility for everyone in Canada, especially persons with disabilities.

[*English*]

Bill C-81 would set a standard worthy of Canadians and Canada's place in the world.

Thank you. I would be happy to answer questions, and I promise to speak more slowly.

The Chair: Thank you.

I apologize. We were trying to get a note passed to you through your parliamentary secretary.

Hon. Carla Qualtrough: I don't do well with visual clues. I apologize.

The Chair: I'll have to add that to my already long preamble.

Hon. Carla Qualtrough: Be slow, in respect of the interpreters. I get that, and I do apologize.

The Chair: Yes. We do have the unique scenario of the multiple types of interpretation going on here today, so I encourage all participants to be clear and keep a slower pace than maybe we're used to.

Welcome, MP Nuttall. You're up first for questions, for six minutes.

Mr. Alexander Nuttall (Barrie—Springwater—Oro-Medonte, CPC): Thank you to the committee for welcoming me here today.

Also, certainly, thank you, Minister Qualtrough, for your presentation this morning. After I gave you the notes on consultation, I also sent a version to you digitally to ensure that I, too, was respectful of accessibility standards.

Minister, I'm just going to quote a couple of items from your presentation. You said:

> It's time for broad organizational and cultural change. There is no reason to wait for people to be discriminated against before we act.

When I read that, I think about the three years that have gone by before this bill finally came to the floor. I'm by no means blaming you, Minister. That is not the intent. But a lot of language we're seeing around the marketing of this bill is that "we can't wait any longer", yet the government has waited three years and is now onto its fourth minister, who was also its first minister. It's a little frustrating in terms of the stop-and-start that we've seen. I've heard that from consultations within the different communities.

This also goes on to talk about the extensive consultation. This consultation that's taken place.... I don't have the time to be able to read through it piece by piece, but essentially the first question I have is on something that we've been able to speak about and that your staff have been able to speak about with me as well. In terms of the consultation that's been taking place and people wanting immediate action—and I think the government is saying that it wants immediate action—the language that's used in your presentation today and is contained within the bill doesn't say that there are going to be changes in accessibility standards. This says it "will lead to", and that's an exact quote.

In fact, it says that the first regulation changes would take place in 2021. If we use the timeline and the success of the timeline's place in terms of how six months after the government took its place it said it would have a bill related to the accessibility act, that 2021 could be much further out. I believe what the staff have said is that it's somewhere within the six-year time period from the point that this receives royal assent.

Could you demonstrate to the committee what actual practical changes affecting people with disabilities will go into effect—besides the creation of new bureaus and new departments—on day one?

Hon. Carla Qualtrough: I have a couple of things in an immediate response around the consultation. Make no mistake—a lot of work has happened over the past three years.

We're very proud of the intentional effort around our consultations to be included, to have a national conversation, which, I would submit, has never happened before around disability issues. We needed to take the time to properly consult and include anybody and everybody who wanted to speak on what their vision of an accessible Canada was. I'm incredibly proud of the consultation process. I think it set a gold standard for how we can be inclusive in the way we consult as governments of any stripe.

What we clearly heard through the consultation was that Canadians with disabilities wanted to enshrine the concept of "nothing about us without us" in law. What that means is, "We don't want to have standards or requirements imposed by law, by government, that will impact our daily lives."

What Bill C-81 does is create a framework of a process, a system, whereby Canadians with disabilities are squarely at the centre and have direct input into the decisions that are being made around the barriers to accessibility that they're facing.

● (0905)

Mr. Alexander Nuttall: Minister, I have two minutes, so what practical change on day one...? On the change in the system of the inclusion of those with disabilities and ensuring there's firm consultation in the process that's gone through, I completely understand it and I admire that part of the bill, but from what we've seen, there are no actual changes in terms of practical changes that will affect Canadians living with disabilities.

I have to go on to my next question. There is a portion in here in relation to fines for either government agencies or the private sector, which could be institutions, banks or many other things. On those fine dollars, where do they go when that fine is levied against that business or government agency?

The Chair: You have just over one minute.

Hon. Carla Qualtrough: Thank you. I apologize for the preamble.

Make no mistake—to answer your first question—I think there will be absolute fundamental change in terms of how we interact and respect Canadians with disabilities, day one after this law is enacted.

In terms of the money for the fines, my understanding is that it will just be going into general revenue.

Mr. Alexander Nuttall: Wouldn't it be better if those funds that were levied against organizations for not respecting persons with disabilities went directly to something like the opportunities fund or something that would go back into encouraging better accessible standards with either private sector entities or within government entities?

Hon. Carla Qualtrough: I think that's a very innovative and interesting idea.

Mr. Alexander Nuttall: Are you open to amendments coming out of this committee and towards this bill at the end?

Hon. Carla Qualtrough: I definitely want to see this law being the best it possibly can. I don't want to prejudge the outcomes or recommendations of the committee, but I am certainly open to hearing what you all have to say and what stakeholders have to say.

Mr. Alexander Nuttall: Thank you, Minister.

The Chair: Up next is MP Long for six minutes.

Mr. Wayne Long (Saint John—Rothesay, Lib.): Good morning, Minister. Thank you so much for coming this morning. I just want to thank you for your incredible leadership and advocacy of those living with disabilities.

My eyes were wide open to the challenges and barriers faced by people with disabilities on this HUMA committee. Several months back we interviewed a couple of gentlemen, Mark Wafer with Tim Hortons and Randy Lewis with Walgreens. We talked to them, learned from them, and heard from them that their organizations' employee turnover dropped, absenteeism dropped, productivity increased and morale increased.

In my own riding of Saint John—Rothesay, there are two organizations in Key Industries, run by Christine Evans. Then there's CCRW run by Joan Mallory and Misti Denton. They work with people with disabilities daily. They help integrate them into society. Again, you see the wonderful opportunities that are there that Bill C-81 can certainly help with. Unemployment rates amongst people with disabilities are upward of 80%.

The bill itself, Bill C-81, signifies the largest advancement for persons with disabilities since the Charter of Rights and Freedoms.

Could you tell the committee how this will fundamentally change the relationship between the federal government and persons with disabilities? Why is the bill necessary, in your opinion?

Hon. Carla Qualtrough: I think what you're referring to at the beginning of your question is what I've come to think of as the untapped economic potential of the 14% of Canadians who have disabilities. Savvy, innovative, progressive, thoughtful and clever businesses, like the ones you mentioned, have figured that out. We know that including Canadians with disabilities is a game-changer in terms of the economic benefits.

The Conference Board of Canada has estimated that, if we remove barriers and accommodate Canadians with disabilities, you're looking at $1.3 to $1.9 billion annually of economic growth. That's significant.

We know that there is improved loyalty, less absenteeism and all the benefits you talked about when we remove barriers. That's the game-changing aspect of Bill C-81. It puts the onus on the government to remove barriers to inclusion up front for Canadians with disabilities. That is a fundamental shift in how we approach accessibility and disability rights in this country.

● (0910)

Mr. Wayne Long: I've seen it time and time again in the riding that organizations seem to understand the potential, but, in going from understanding the potential to actually enacting and hiring people with disabilities, there seems to be a gap there, a lack of preparedness, I guess, or maybe fear of the unknown.

Could you speak to what we can do? What will Bill C-81 do to alleviate that?

Hon. Carla Qualtrough: Bill C-81 is focused on removing barriers. The idea is that, if I can get into your building, I can shop there, I can work there and I can participate meaningfully in whatever is going on there. I can access services there. The idea is that we are going to remove the obstacles to inclusion before discrimination happens. That is a real key, as I've said, a shift to a proactive approach from a reactive approach.

Mr. Wayne Long: Minister, you've conducted extensive consultations across the country prior to drafting the legislation.

Can you tell us what you heard from stakeholders and industry as to what they wanted to see in the bill?

Hon. Carla Qualtrough: I sure could. I could spend the rest of the hour telling you what we heard. Fundamentally, it came down to the shift in the conversation that we—as Canadians with disabilities—would like to see, away from the medical model of "We need to take care of these poor people" to a more social or human rights model of "We are contributing, valued citizens with rights and responsibilities of citizenship, and we have something to offer that should be valued." That's a massive change in the conversation.

I've been handed a note here. I apologize, Mr. Chair. I said $1.3 billion to $1.9 billion. It is 1.3% to 1.9% of GDP a year for the economic inclusion, which is $26 billion to $38 billion a year. I apologize. I think that's a big difference. I had said "billion" instead of "per cent", so I want to put that on the record.

Mr. Wayne Long: Minister, you're comfortable that the stakeholders' feedback was integrated in the drafting of the legislation?

Hon. Carla Qualtrough: I certainly am. I can tell you that the biggest compliment I've had since we tabled Bill C-81 was when a prominent member of the disability community looked me in the eye and said, "I see myself in this. I see the feedback I gave in this, and I really appreciate that. Thank you for listening."

Mr. Wayne Long: Thank you, Minister.

The Chair: Now we will move to MP Hardcastle, please. Welcome to our committee today.

Ms. Cheryl Hardcastle (Windsor—Tecumseh, NDP): Thank you, and thank you for having me.

It's a pleasure to be here to advocate for Bill C-81, which has some meaningful amendments to it. I think we all celebrate the act.

To use our time effectively, I just want to jump in with the minister, who has really been a champion. I love the way, Minister, you just articulated that we wanted to see with this a profound change in how we look at or how we take a medical or prescriptive approach rather than a social and inclusive approach. That's the disability lens aspect of it that is so extremely important.

I see lacking—and this also came from the consultations—that we're not requiring federal laws or policies or regulations to be studied through a disability lens. I think maybe it's implied. I could make that argument on the other side, that it's implied, but I would make the argument that it needs to be articulated. This is our historical achievement with this national act. Although it does not bring us far enough to comply with the United Nations Convention on the Rights of Persons with Disabilities—I will say it falls short of that—we can make amendments and bring it in that direction.

I believe, Minister, some of your comments were about government being nimble in reassessing and looking at this in the future, so I'm hopeful for that.

I'd like to hear a little bit of what you think the potential might be now for us to actually anchor this a bit more, this looking through a disability lens.

I notice that your title, Minister, includes "public services, procurement and accessibility". Can you imagine if we had a federal directive to look through a disability lens for procurement? I just feel that if we're going to do this, we have some tangible ways that we really can anchor this just a little bit more. I'd like to hear some of your thoughts, your takeaways, what you are thinking we can move forward on and what some of the potential opportunities are for us to look at here with the committee.

● (0915)

Hon. Carla Qualtrough: Thank you, and thanks for your work on this file. It's wonderful to be working with you again.

One of the principles in the act—and as you all know, the principles are interpretive guidelines or how we are supposed to be looking at this law in the future—very clearly says that laws, programs, policies, services and structures must take into account the abilities and needs of Canadians with disabilities.

To me, that means that every time we put in place a law, a policy, a program, a service or a structure, we have to look at it through the lens of accessibility.

I do think that in specific departments.... I'll use my own because I think procurement is an incredibly powerful tool to address accessibility. We are establishing a centre or an office of accessible procurement with the idea being that the Government of Canada will not procure products that aren't accessible.

The Prime Minister has appointed a deputy minister responsible for an accessible public service, whose job is to prepare the Government of Canada to be an accessible employer and to offer services accessibly to Canadians. There are machinery of government things going on right now, in parallel with this legislation going through the House of Commons.

I would suggest absolutely that we cannot realize a barrier-free Canada unless the Government of Canada makes decisions taking into account the accessibility needs of Canadians with disabilities.

Ms. Cheryl Hardcastle: Thank you.

Further to that, then, we have a situation right now in the absence of a national act. I won't get into it here—we all know the provinces that have their own disabilities act—but we don't have a national framework right now. That being said, these are great and admirable tenets for us to have, but what's glaring in this is that it's not required. It's great that we're doing this and that the minister's going to lead by example and that this new office will be trail-blazing, but these things are not mandatory for federal jurisdictions. What can we do to make the timelines more succinct, to bring some requirements in?

I want to say as well that the feedback I get from people living with disabilities is that they're used to having to work with whoever's in government. This is a vulnerable population that can't afford to make enemies, and they don't, but they're tired of waiting. We need some real teeth in this act, and we can't wait for them to get vocal about it. People are worn out from having to advocate for themselves and their family members already. It's up to us to beef this up and actually put some timelines in, to actually put some requirements in.

Right now, all of the wording is that you're "allowed" to do something. Nobody's required to do anything by a certain date. I feel as though we need to get our heads around that. Where does the minister see some opportunities for us to maybe articulate to these federal jurisdictions to get ready and that, more succinctly, this is going to be coming?

● (0920)

The Chair: We're actually way over time, but I'm going to allow for a very quick answer, if that's okay.

Hon. Carla Qualtrough: Thank you.

These are excellent questions. Again I can talk forever about this, so I'll keep it succinct, Mr. Chair.

The point is that we need to establish in the standards the timelines you're talking about. We need to set clear timelines. There are existing standards that are world-class within Canada and internationally that can be adopted immediately and then built upon. The expectation, I would say, is that right out of the gate there will be standards we can adopt. We don't have to wait for years of consultations in some areas. There are excellent website standards. Ontario has done phenomenal work in their standard creation, and we can adopt a similar standard at the federal level.

I would suggest that there is some incredibly low-hanging fruit that we can adopt very, very quickly.

The Chair: Thank you.

Mr. Ruimy, go ahead, please.

Mr. Dan Ruimy (Pitt Meadows—Maple Ridge, Lib.): Thank you, Minister, for being here today, and thank you for your work on this file. It's been a long time coming, and taking into consideration all the consultation that needed to happen, I completely understand that.

You mentioned that 14% of Canadians have disabilities. I would add that they touch most of us if not all of us. I remember when a private organization offered a job to my brother, who has faced barriers all of his life. It was a simple job, but he got a paycheque, and I remember how he felt. That's what we need to be offering Canadians today—the opportunity to move forward and to feel good about themselves. That's why I'm so excited about this legislation.

Minister, can you talk to us about why it's so important that Bill C-81 establish a framework for addressing issues facing persons with disabilities rather than incorporating standards directly into the legislation so they can be implemented immediately?

Hon. Carla Qualtrough: The framework established through this legislation will allow for a very technical standard to be developed. Imagine a scenario down the road where counter heights will be dictated through standard. You can imagine that putting that in law would be incredibly clunky, for lack of a better word. We don't even know the hundreds of standards that will result over the years as accessibility changes, and as our expectations change.

I'll use curb cuts as an example. Historically, the idea was that you put a ramp down at the end of a sidewalk to go across the street, and that was the best way to accommodate someone with mobility aids. If we had enshrined that in law, that wouldn't have been very helpful moving forward. What we learned in the north is that when it snows and rains, puddles happen at the edge of the curb. They've raised the crosswalk so that it's just flat across. The standard up there might be that it's flat across instead of a curb down that results in a big puddle when it snows.

That's the kind of evolution that happens as our thinking changes and our expectations for inclusion evolve. That's the kind of nimbleness that CASDO and the standards will provide by not having it in law.

Can you imagine going to the floor of the House of Commons to change a section of an act because the curb cut thinking has evolved? Imagine that across every aspect of federal jurisdiction. It would be incredibly onerous.

Mr. Dan Ruimy: Thank you. I agree with that.

I think that disabilities have been changing and evolving throughout the years. To put something in legislation that clearly might not impact everybody could be very onerous, and it could take a lot of time to get that changed.

Can you explain a little more about the need to create a new government entity rather than using existing entities—a lot of people are asking these questions—such as the Canadian General Standards Board?

How will the Canadian accessibility standards development organization, CASDO, be different from other government entities?

Hon. Carla Qualtrough: Thank you. That's a really important question.

We looked around the world when we were designing this model, and we saw that we needed to ensure that citizens with lived disability experience were involved in the decision-making and the creation of the standard.

Incorporating it into an existing organization or structure risked watering down the impact of the disability voice in all of this. This is modelled after the United States and other countries that have gone down the same path but earlier. We have learned from them that we needed to have lived experience as a fundamental part of the decision-making governance structure of this.

That's why we've put in this act that the board of CASDO has to be more than 50% people with lived experience. You have to live it.

● (0925)

Mr. Dan Ruimy: Thank you.

Before I came to Parliament, I had no glasses and was able to read pretty well. I'm finding now that I can't, that—

Hon. Carla Qualtrough: Welcome to my world.

Mr. Dan Ruimy: —I need to wear glasses.

I bring that up because, for me, that's my own little experience with it being more difficult for people being able to do their jobs. They're certainly capable of doing their jobs, but we have to be able to allow for the different disabilities out there.

I look forward to moving forward with this. Indeed, I think we owe it to every Canadian who has faced a barrier to make sure that we get this right.

Thank you.

The Chair: Thank you very much.

MP Morrissey, for six minutes, please.

Mr. Robert Morrissey (Egmont, Lib.): Madam Minister, I have a couple of points. There is no reference in here to the impact of an aging demographic in Canada on disability.

Does your department have data on what that dynamic and demographic change is going to do, and how this legislation will positively impact that?

Hon. Carla Qualtrough: I think that's a reality that we are intimately familiar with. We know that disability rates are estimated at around 14%. I would say it's a little higher, but let's go with 14%. Within 15 years, including Canadians who are elderly and with mobility impairments, that's anticipated to go up quite significantly, to over 20%.

One of the reasons we've moved away from the language of a "Canadians with disabilities act" to "accessibility" is to include the broadest range of people in this act. It isn't necessarily about your diagnosis or condition or illness, or whatever is going on in your life; it's about removing the barrier you are facing to being fully included, whatever that is.

Mr. Robert Morrissey: It's of age.

Hon. Carla Qualtrough: Whether you can't see, and if you're elderly and now you use a mobility aid, you, too, are going to be impacted by this law.

Mr. Robert Morrissey: I want to go back to an earlier comment you made regarding the economic impact on the Canadian economy. Was it $28 billion you referenced?

Hon. Carla Qualtrough: What the Conference Board has estimated is that by fully including Canadians with disabilities in the workplace, those who can work, and accommodating these individuals, there's an estimated 1.3% to 1.9% growth of GDP, which is $26 billion to $38 billion annually. It's very significant.

Mr. Robert Morrissey: Those are very significant numbers. It's startling.

Could you give just a brief example? If you don't have it, it's fine.

Take me into a particular workplace, if you know of that, and just show us, if you can.

Hon. Carla Qualtrough: I'll give you an example. There's a group in British Columbia called the Presidents Group, which is a group of CEOs from major companies. They have completely recognized the economic potential that we're talking about today. Vancity credit union can show you, and can tell you, how hiring more inclusively has impact at the bottom line quite significantly, whether it's being able to address labour shortages through this untapped labour pool or creating a culture of diversity that results in more innovative solutions. Let me tell you, Canadians with disabilities are some of the most innovative people you'll ever meet because the world wasn't built for us and we figure out very quickly how to innovate.

Tim Hortons was mentioned. YVR is an incredibly inclusive employer and service provider, and as such, Canadians and people with disabilities deliberately travel through Vancouver because their needs are going to be met. I didn't even talk about the accessible tourism market, which is a multi-billion dollar industry because people need to go somewhere. It's not just about the individual who doesn't have money to spend. It's about those of us who do.

Mr. Robert Morrissey: Thank you, Minister.

Obviously, your passion for improving the lives of people with disabilities is coming through in your answers. That relates to my next question, on discussion around the need for timelines within the proposed legislation. Could you expand on why they were not included?

● (0930)

Hon. Carla Qualtrough: That's been an ongoing—

Mr. Robert Morrissey: What would be the logistical issues about attaching them to the legislation?

Hon. Carla Qualtrough: There are two aspects to the conversation around timeline. There's setting a date in this bill by which accessibility will be achieved. Then there's also setting timelines within the standards themselves. Some jurisdictions go for rolling timelines. They will establish the employment standard within five years and it will then apply two years later. It will establish a service standard within six years and it will apply four years later. It's whatever that is.

It is very difficult to predict how long it will take to establish a standard and very, I would say, risky to suggest that we know exactly when accessibility will be achieved given that the standards are always going to be changing. What is accessible today will not be accepted as a standard five years from now, or 10 years from now. We know that. The curb cut example is a good example.

We also want people to get moving on this now. We don't want to say that we are going to have an accessible Canada by 2025 or 2030, and then people sit back and say, "Okay, I have time." We need to do this now. It's like giving people a reason to wait instead of requiring people to do something now. I think that's really important. I also personally believe that we would not put in the Criminal Code that Canada is going to be crime-free by a certain date. We wouldn't put in the Human Rights Act that Canada is going to be discrimination-free by a certain date. We need it now. The bill has to say people deserve a barrier-free Canada today, and this are all the steps we need to take to get there. We know it isn't going to happen today, but to set a timeline at the other end just seems antithetical to what we are asking federally regulated entities to do.

Mr. Robert Morrissey: What's the intention of your statement, "progressive realization"?

Hon. Carla Qualtrough: It speaks very clearly to the idea I was just talking about. It's enshrined in the UN Convention on the Rights of Persons with Disabilities. It's the notion that accessibility changes as a concept, so what is acceptable today will not be acceptable in 10 years. The standards will change and we will expect more of people as our thinking evolves.

The Chair: Thank you.

MP Barlow, go ahead, please.

Mr. John Barlow (Foothills, CPC): Thanks, Minister, for appearing in front of the committee.

There seems to be some misunderstanding or misconception about this bill. You're saying we don't want to set these standards, we don't want to put a timeline and we don't know when these things are going to be done, but we want to get going now.

You talked about the Criminal Code. Yes, we don't want to say we are crime-free by 2030, but in the Criminal Code there are certainly some regulations and standards and pathways on how to reach that goal, whether or not we can actually reach it. You said there are some standards, visitable housing in Manitoba, at the University of Alberta, where they're doing some groundbreaking work on accessibility. There are some standards that you said are available right out of the gate. So those standards that are leading edge, why are they not in this legislation at all?

Hon. Carla Qualtrough: Sorry, to clarify, do you mean the technical details of the standards themselves in the legislation?

Mr. John Barlow: That's correct.

Hon. Carla Qualtrough: It's for the same reason I articulated earlier, that we did not want to get into a situation where... Do you mean in the body of the law or as a prepared regulation to be adopted immediately?

Mr. John Barlow: There's nothing in the bill in terms of a pathway or specifics on how you're going to achieve removing some of these barriers, making things more accessible. You've talked about it through this entire presentation today, that we don't have anything ready. Why aren't some of these standards that are already set...? As you said, there are some standards that we can enact from day one, so why are they not part of this legislation?

Hon. Carla Qualtrough: I would suggest that the law actually lays out a very clear pathway to how we're going to get there, by setting up a standards organization: how that's going to be set up, what they're going to do to develop the standards, the priority areas that we heard through the consultations, whether it's employment or service. This is not a complete list, obviously. These are the six things we heard about the most in the consultations. There will absolutely be opportunities.

Remember, this is enabling legislation that sets up this framework and this system, and a lot of work has been done already that we can build upon or adopt, depending on the circumstance and the appropriateness of doing that. I'm very confident that this law sets out a very clear path to how we're going to get there.

● (0935)

Mr. John Barlow: Thanks.

None of this has been costed in the bill, in terms of what the impact will be on private sector businesses that are federally regulated. Has there been a cost analysis on what the impact will be on some of those private sector businesses that are federally regulated? Has that been done as part of this consultation and analysis?

Hon. Carla Qualtrough: Well, we absolutely know the cost of not doing anything, and I would suggest that you wouldn't be suggesting that there's a cost that's too high to be inclusive.

What we know is that through the regulatory process, as a matter of course, everything will be costed out. I'm sorry, I can't remember the term but there's an economic impact part of the process.

James, can you help me out with the process?

Mr. James Van Raalte (Director General, Accessibility Secretariat, Department of Employment and Social Development): It's a RIAS, a regulatory impact assessment statement.

Hon. Carla Qualtrough: So every time one of these standards goes through the regulatory process, which, I'll remind you, is very public and is a chance for people to provide input on the standards, there will be a clear understanding of the costs of the implementation of that standard.

Mr. John Barlow: So none of that has been done as of yet.

You talk about the fact that this legislation is going to have immediate impact on Canadians with disabilities, and I do give you credit for talking in your speech in the House about the disability tax credit. You said it was a game-changer for Canadians, and I appreciate that, but my colleague from Carleton put forward the opportunities for a workers disability act, which would have ensured that Canadians with disabilities—the harder they work, the more they earn—wouldn't be impacted by taxes and clawbacks, but you and your government voted against that bill. That bill would have had an immediate impact for Canadians with disabilities to ensure that what they were earning was going back into their pockets.

That would have had an immediate impact, so why not support a bill like that, which wouldn't have taken six years to have the effect but would have happened immediately? Why not support a legislation of that kind as well?

Hon. Carla Qualtrough: Like your colleague—he and I have had great conversations about this—I absolutely believe that there are programs, particularly across the provinces and territories, that create disincentive to employment, because after a certain threshold, every dollar you make will be clawed back from the benefits, and literally some people cannot take the risk of losing their benefits by taking a job. We need to correct that disincentive.

Quite frankly, while seemingly clever, the idea of using the finance and tax system to incentivize provinces to change their programs and services around what benefits are available to Canadians with disabilities within their jurisdiction was beyond the reach of federal jurisdiction. This was a matter of federalism. I had this long conversation with your colleague, but as a goal, I absolutely share it.

Mr. John Barlow: With regard to the number you were citing today, the 1.3% to GDP as Canada is more accessible—the $20 billion to $30 billion a year—how did you come up with that number?

Hon. Carla Qualtrough: That was work done by The Conference Board of Canada.

Maybe James can give more details about it, at some point.

Mr. James Van Raalte: We can share that with the committee.

Hon. Carla Qualtrough: It was really groundbreaking work.

Mr. John Barlow: Thank you.

The Chair: Mr. Ruimy, please.

Mr. Dan Ruimy: Thank you very much.

There was a mention by my colleagues on the other side about the provinces and municipalities. Indeed, folks in my riding likely would have the same question around how this impacts them if it's only federal or provincial or municipal. Could you expand on this a little bit more? Within the federal jurisdiction, including the federal government and federally regulated industries, how do you envision this bill enabling you to work through the provincial and territorial and municipal governments? How do you see this taking on a leadership role?

Hon. Carla Qualtrough: We know that in some ways the federal jurisdiction is limited in terms of the businesses. Certainly the vast majority of small and medium-sized enterprises are within provincial jurisdiction. We know that provinces are watching this process very carefully. I've heard directly from provinces that they're waiting to see how we do this and then they'll head down similar paths themselves.

In an ideal world, we would have incredible consistency across jurisdictions so that the experience of a Canadian with a disability is seamless. The best example is credit unions and banks. Credit unions are provincial and banks are federal, but in terms of the day-to-day life experience of someone, they don't walk into a credit union and go, "Oh, I get this. It's section 92 of the Constitution. There'll be a different standard in the bank next door."

That's not how we should operate as governments. I think this gives us an incredible leadership opportunity to bring people to the table to ensure that consistency. I also know that the CASDO standards they developed could be model standards that could be quickly adopted through provinces. A number of opportunities here enable us, through our leadership, through CASDO, to really impact provincial jurisdiction—respectfully, and respecting the Constitution.

● (0940)

Mr. Dan Ruimy: Thank you.

Can you talk about how this legislation fits in with our commitment to the UN Convention on the Rights of Persons with Disabilities and the new role of CHRC?

Hon. Carla Qualtrough: Yes. It's a very exciting win, I would say, for the disability community. Certainly the international community has been calling for some time for Canada to establish a monitoring body for the UNCRPD. This law does that. This law sets the Canadian Human Rights Commission as the monitoring body for Canada's implementation of the UN Convention on the Rights of Persons with Disabilities. That is quite significant, which the disability community would tell you, so I think internationally it will be well received.

In addition, the UNCRPD speaks everywhere through that document about removing barriers and obstacles to full inclusion and participation. That is fundamentally what this law does.

Mr. Dan Ruimy: Thank you.

Mr. Chair, I will share my remaining time with my colleague Mr. Hogg.

The Chair: MP Hogg.

Mr. Gordie Hogg (South Surrey—White Rock, Lib.): Thank you.

You made reference to a gold standard coming out of this, to setting a gold standard. You also commented on the UN rights of individuals, and that we fall short of those. Could you reconcile those two comments for me?

Hon. Carla Qualtrough: I'm not sure I made the second comment, but I can certainly say that it's a work-in-progress with regard to our full and complete implementation of the UNCRPD. We have a way to go in Canada.

Quite frankly, this will go a way towards that, but it is a very high standard to be fully inclusive. I can't tell you a time or a certain point at which our country will be fully accessible and inclusive, but that's definitely a goal we should all share.

Mr. Gordie Hogg: Well, one of the principles of policy development is often not just the engagement of the end-users of the policy, which you talked about, but also their involvement in the implementation of the policy. We see around the world a number of instances where the policy development has worked extremely well and then it's been lost in the implementation.

Do you have a process in mind or in place that will allow those people who were consulted in the development of the process—who are end-users, in many instances—to also be involved in ensuring that the implementation is consistent with the expectations that were laid out when the policy was developed?

Hon. Carla Qualtrough: I think that's a fundamental misstep that legislators can make, and I don't think that's been done in this case. Two examples immediately come to mind, but there may be others. First of all, there's the idea that on the board of CASDO, more than 50% of individuals have lived experience. The technical committees of that body will also be significantly comprised of people with lived experience.

The second piece is the requirement for federally regulated entities to create accessibility plans. Those plans must be done in conjunction with and in consultation with citizens with disabilities. Progress reports have to be done in consultation with Canadians with disabilities. Every step of this process that we've put in this law has, as far as I can tell, a requirement for the ongoing participation of Canadians with disabilities.

Mr. Gordie Hogg: Thank you.

You made reference near the beginning to the word "clunky".

Hon. Carla Qualtrough: I think I said the system was very clunky.

Mr. Gordie Hogg: Okay. Thank you.

The Chair: We have very little time left with the minister.

Next on the list we have MP Nuttall.

Unfortunately you won't have your full five minutes. Maybe you could ask just a brief question.

● (0945)

Mr. Alexander Nuttall: Thank you, Mr. Chair.

Minister, there has been a report cited by The Conference Board of Canada about the economic benefits related to removing those barriers to full accessibility. Within that report, if they've been able to calculate the economic benefit, I'm sure they would have calculated what the costs are to get there. Could you describe what those costs are?

Hon. Carla Qualtrough: I don't believe they did that math. I apologize, but as was said, we can definitely get that to you.

Mr. Alexander Nuttall: I have about 25 seconds left.

As a follow-up to that, when you said there are things we can do on day one, and I think those that are already live within provincial jurisdictions were what was being referred to, surely those costs have been looked at and could be shared with this committee as it's going through its study.

Hon. Carla Qualtrough: Are you saying, for example, that if we adopt the Ontario accessible customer service standard, we can figure out exactly how much that will cost?

Mr. Alexander Nuttall: I'm saying that you said there are things we can do on day one and we will, so those items that you cited and said you will enact on day one, if you know what they are, could you provide what they are?

If they've been done elsewhere, which is what you've said had happened, could you provide what the costs associated with that are so that this committee, as it's going through the study, can use those to help determine some of its steps going forward?

Hon. Carla Qualtrough: I would suggest that I would recommend ones that are easy to adopt. I wouldn't preclude picking those. I don't think I could tell you how much it will cost to update websites to a certain standard, but I can tell you the standard of an accessible website, the globally recognized standard of an accessible website.

What I'm struggling a bit with is the implication that somehow there's a threshold beyond which this would cost too much. I don't think that's an acceptable premise. I apologize.

The Chair: Thank you very much.

Thank you to all the participants here today; and of course, thank you, Minister, for your time.

Hon. Carla Qualtrough: Thank you.

The Chair: We are going to suspend for a very brief moment to allow the minister to get on with her day. We're going to come back and continue questions with the government officials who are present.

Thank you very much.

● (0945)

_____ (Pause) _____

● (0950)

The Chair: All right, everybody. We'll come back to order here.

Just before we get started with questions, there are two things I want to remind people of.

First, I don't mind if you walk behind me if you need to get to the other side of the room. However, can we please do our best not to walk in front of the interpreters?

Second, as a request, please try to slow down. I'm fairly liberal with my timing.

Mr. John Barlow: Oh, there you go. There you go.

The Chair: No pun was intended.

Those of you who have been in this committee for a while know that I'm not too much of a stickler on time. If you want to slow down a bit, going over by 20 or 30 seconds is not the end of the world. Let's try not to abuse that but keep to a slower pace for this meeting.

Again I will welcome and remind everybody that we have joining us James Van Raalte, director general, accessibility secretariat; Benoît Gendron, director, accessibility secretariat; and Erik Lapalme, senior policy analyst, accessibility secretariat.

Thank you all for being here.

We will begin our round of questioning with MP Barlow.

Mr. John Barlow: Thank you, Mr. Chair.

I'm going to split my time with my colleague, Ms. Falk.

I wanted to start with the minister's last comment. We're not saying there should be a ceiling to the cost, but I think it is our fiduciary responsibility as legislators to understand that a budget should be set and costs should be understood. I found it ironic, that as we talk about Canadians with disabilities, there is no ceiling to the cost.

I know our Prime Minister said there is a threshold of spending when it comes to veterans and many of them are disabled and have issues. There seems to be some disconnect there.

We're not saying by any means that there should be a ceiling. We would, as legislators and representatives of our constituents and taxpayers...on what the costs would be.

My question to the officials is a clarification for me. Reading through the bill, in subsection 73(1) it says:

> the Accessibility Commissioner may, for a purpose related to verifying compliance or preventing non-compliance...enter any place, including a conveyance, in which he or she has reasonable grounds to believe there is any record, report, electronic data or other document, or any information or thing, relevant to that purpose.

I just want to make sure I'm not reading too much into this, and the fact that a commissioner can enter a place of business for preventing non-compliance. Is that unusual, that you are predicting that a business is not going to comply with the new regulations, and you're able to go in there? I'm wondering if you could explain that section in the legislation.

Mr. James Van Raalte: Yes, thank you, Mr. Chair.

The accessibility commissioner serves two roles. The first is proactive compliance or enforcement, and the second is dealing with complaints.

From a proactive perspective, the accessibility commissioner has that power to go in and ensure that a regulated entity is caring about what's needed to live up to the regulation.

● (0955)

Mr. John Barlow: Thanks.

Mr. Chair, I'll pass to Ms. Falk.

The Chair: Ms. Falk.

Mrs. Rosemarie Falk (Battlefords—Lloydminster, CPC): Thank you for being here today.

When most people hear the word "disability" they think of either visual, hearing, wheelchair, walker, that type of thing. I know that the definition of disability in the act goes into mental, intellectual, learning, communications, sensory impairment, etc.

I'm wondering what the scope of this would be on buildings. It could be argued that somebody with depression, anxiety, schizophrenia, bipolar, that type of thing.... How are these buildings going to be impacted to be more accessible for them?

Mr. James Van Raalte: I think this is an important question. It's been a part of a learning process for all of us. I'm happy to provide an example for the committee.

One of the biggest issues faced by a range of disabilities, especially in the built environment, is a concept called wayfinding.

It's intuitive for many of us when we enter a building, on how to get from the entrance to, say, this chamber or this meeting room. We look for signs and signals. For people with visual impairments there, should be Braille. For many people with a range of functional limitations, it's not intuitive on how to get from A to B. It is expected going forward, that the types of standards that CASDO would look at would incorporate this concept of wayfinding.

I would encourage the committee to engage more with the disability community about this important issue.

Mrs. Rosemarie Falk: Would our constituency offices fall into this?

Mr. James Van Raalte: The short answer is, yes.

The legislation will be applied to parliamentary entities, including constituency offices for members of Parliament.

Mrs. Rosemarie Falk: In some of our rural and northern communities, this is very difficult. I know that in my riding, I can't find anything in one of my communities. There is a need for an office there. Has anyone thought about what kind of an impact this is going to have on the members themselves? Some of the members have a difficult time finding something reasonably priced to serve constituents that is as accessible as it can be. What if there are communities that have nothing available?

Where would that budget come from?

Mr. James Van Raalte: In terms of where that money would come from, I would defer that question to your relative boards of internal economy. However, it speaks to the flexibility that's provided in the legislation for exemptions. We do need to recognize that in some communities, especially small communities, or even small, regulated entities, best efforts can be made around accessibility, but there are going to be limitations.

Again, the legislation would provide for that type of an exemption, made through the Speaker of the House of Commons.

The Chair: Thank you.

MP Sangha, you have six minutes.

Mr. Ramesh Sangha (Brampton Centre, Lib.): Thank you, Mr. Chair.

Any of you can reply to my question.

What governance is in place to support whole-of-government implementation?

Mr. James Van Raalte: I think this is an important question going forward for the public service. It's a very horizontal piece of legislation, and that whole-of-government governance issue will be important in terms of tracking the progress of the implementation.

I think that at the first level, the Prime Minister has appointed a new deputy minister, Yazmine Laroche, who I believe will be appearing on Thursday morning. You'll have an opportunity to hear from her, and she can provide her views on her role. She is the deputy minister of public service accessibility and will be responsible for the development. Her first job is a Government of Canada strategy for making the Government of Canada a leader on accessibility. She has some initial support in that strategy; the government announced a number of initiatives to support her.

The first is the hiring of 5,000 persons with disabilities within the public service, over the next five years. Those are not incremental hires. Those are hires within the normal hiring process, within the government. Number two is a centralized accommodation fund to support the hiring, the promotion and the retention of persons with disabilities with any accommodations that they may require. Also, as the minister talked about, Public Services and Procurement Canada will be creating a centre of excellence for procurement, as well as undertaking accessibility audits of government buildings.

The other part is that each deputy head within the Government of Canada will be required to submit accessibility plans for over 133 organizations, Crown corporations, agencies and traditional departments like my own—Employment and Social Development Canada. There will be an opportunity to monitor the progress that each department is making, both on an individual basis and across the Government of Canada. We will have a line of sight on that progress or lack of progress. Again, those accessibility plans must be made in consultation with persons with disabilities.

Finally, the legislation sets out a new office—the chief accessibility officer—and the role of that office is to have a broad line of sight on how the system is working or not working. They have to report annually to the minister on how well we are doing. As well, that office can conduct special reports, either by a question from the minister or through its own motion powers.

● (1000)

Mr. Ramesh Sangha: We need accessibility standards. They are to identify the requirements and then remove those things. Then you have to break the barriers for accessibility. What are the principles that you're going to set to identify, remove and implement those things?

Mr. James Van Raalte: The legislation empowers the new Canadian accessibility standards development organization to help set those priorities. It will be a departmental corporation. It will set those priorities both in consultation with the minister as well as persons with disabilities. As the Minister has explained, the board of CASDO will be represented by a majority of lived experience.

Some of the areas, the priorities that are set out in the legislation, will help of course guide CASDO's deliberations on those priorities, but we are looking at six priority areas, namely employment, transportation, information and communication technology, service delivery, procurement, and I always forget one—

Mr. Erik Lapalme (Senior Policy Analyst, Accessibility Secretariat, Department of Employment and Social Development): The built environment.

Mr. James Van Raalte: —the built environment, very important.

Mr. Ramesh Sangha: For the accountability and for the transparency, which department will be looking into it and how will it be implemented?

Mr. James Van Raalte: Thank you, Mr. Chair. I'm not sure I understand the question from the member.

Mr. Ramesh Sangha: We are looking for transparency and accountability in the total system. Who will be actually responsible for this to look and to see that the accountability and the transparency is in place?

Mr. James Van Raalte: I think it's important in two places in the legislation from an accountability and transparency perspective. The publication of the accessibility plans, and the feedback mechanisms and the progress reports are made public. Those publications are not to the Government of Canada. We will be tracking them. We will be monitoring them. We will be assessing them. We certainly will be providing advice on how they could be improved.

The purpose from an accountability and transparency perspective in terms of having those reports published is so that Canadians, in particular Canadians with disabilities, have ready access to them and they can hold those companies or organizations to account from a citizen or a customer perspective. That's a very important principle. Persons with disabilities will be involved in the development of the plans, but they will also have access to them so that they can have an opinion on how well progress is being made or not being made.

Within the Government of Canada system, the legislation provides for the chief accessibility officer, and the role of that individual and the office that will be supporting them is to provide an annual report through the minister to Parliament on how the system is working or it's not working. This includes that regular annual report, and as well that individual, that officer, will have the power to conduct and submit special reports. Either an individual or a group of people have identified an issue for the chief accessibility officer, and they think something should be studied and the chief accessibility officer can then report to the minister, or maybe the minister has an issue that they want addressed.

● (1005)

The Chair: Thank you very much.

MP Hardcastle, please.

Ms. Cheryl Hardcastle: Thank you, Mr. Chair. I didn't realize on this committee the way the format is and that my time is so limited, so I'm going to be extremely blunt so that we can get through. It is intriguing.

Let's talk about exemptions right now. A moment ago you alluded to what might be a logical exemption in the remote north or something with a small community scenario, but the way that I'm reading the exemptions, it's very different. Cabinet has the power to exempt the CRTC and the CTA. This is a more powerful scenario. I just would like to understand a little bit more about why we are allowing those kinds of exemptions with major jurisdictions and why cabinet is allowed to do that.

Mr. James Van Raalte: There are two types of exemptions that are contemplated within the legislation. The first is a statutory exemption around the reporting requirements that I just referenced a moment ago around the accessibility plans and the feedback mechanisms. Those exemptions are provided in the exact case that I responded to in the question for the other honourable member. It's a recognition that there is a potential, especially for small organizations or small entities—let's say a small interprovincial trucking firm that has five employees. It's a well-run business. It's trying its best to make that business both accessible to any employees who have a disability or customers who have a disability. The exemption there is a recognition by the government, whatever the regulatory body is that has jurisdiction for that regulated entity, that it may be better that that company focus on accessibility for employees or customers rather than doing an annual report. We want that flexibility so that those discussions can happen about making progress. What's the right balance with limited resources, so that they can have that exemption?

Then there are regulatory exemptions. Those are to recognize that under the regulations there may be reasons why we need an approach tailored to a size of a company or a size of an entity. As well, there is what we call an innovation exemption. There will be cases where, both within government and within the federally regulated private sector, a company is out ahead of the regulatory process. They have found an innovative solution for meeting accessibility requirements and we don't want new rules coming in behind them penalizing them. We want to recognize the work that they've done in terms of supporting accessibility. If they've done it in a way that is equal to or greater than the regulatory requirements, we want to be able to exempt them from the regulatory rules.

● (1010)

Ms. Cheryl Hardcastle: In terms of enforcement, besides the idea that the disability community is going to look on a website and engage in making businesses enforce an accessibility plan, what about enforcement from the accessibility commissioner? What about those powers? Right now, we see that it's fragmented among different entities and the CRTC and the CTA implementation and enforcement are splintered.

Do you think there's an opportunity for us to consolidate this better so that it's not just dependent on this idea that it will be citizen engagement that does the enforcement? Right now, you have to post an accessibility plan, but, when you read the language, it doesn't have to be implemented. You have to have a plan and you have to make it public, but you don't have to implement it. I'm wondering if you see opportunities for us to concentrate on consolidating enforcement in one place where we could be doing that. Right now there are four different places that you do implementation and enforcement. For a disability community, that's really impractical.

Mr. James Van Raalte: Thank you, Mr. Chair.

I'm going to ask my colleague, Mr. Lapalme, to address the question.

Mr. Erik Lapalme: In terms of enforcement, yes, there is that public accountability for the plans and progress reports. There is that requirement to prepare and publish those progress reports. Part of those reports is the entity talking about how it is implementing its plan.

There is the public aspect, but also there is the accessibility commissioner for the entities that are within its jurisdiction, and the Canadian Transportation Agency and the Canadian Radio-television and Telecommunications Commission for the organizations that are within their jurisdiction. They'd have to be notified of the publication of those plans and reports, as well as the fact that the organization has implemented its requirement to establish a feedback process. In fact, they can enforce those requirements. It is within their enforcement powers to ensure that the organizations that have those requirements have published their plans, have consulted with persons with disabilities, and have made them available to persons with disabilities in alternate formats, for example.

As Mr. Van Raalte mentioned, there is also the possibility to work with entities to ensure that their plans and reports are meeting requirements and that they could be made better or made stronger.

Of course, more broadly, in terms of meeting the requirements under regulations in standards that have been adopted into regulations, that's where the accessibility commissioner, the Canadian Transportation Agency and the CRTC have their broad enforcement powers to ensure organizations are, in fact, meeting their requirements.

The Chair: Thank you very much.

Now we go over to MP Long for six minutes.

Mr. Wayne Long: Thank you for coming in this morning.

I don't think there's any question that C-81 is going to open up opportunities and break down barriers for people with disabilities.

I do have a few questions for you this morning. How does this legislation compare to accessibility legislation in other jurisdictions, provincially and internationally?

Mr. James Van Raalte: I am pleased to respond to this question, because I think it speaks to quite a bit of work the public service has undertaken, also in consultation with the disability community across the country and internationally.

I think it's important to give credit where credit is due in terms of some of the provincial leadership that has been undertaken over the past decade—namely Ontario, Manitoba and Nova Scotia—and that has allowed us to build on that foundation.

There's quite a bit of similarity between C-81 and what it sets out to do and the legislative frameworks within those three jurisdictions I mention, in four areas in particular: the development and enforcement of standards; the concept of the accessibility plans; issues related to compliance; and then review mechanisms, again at the end to make sure the legislation is meeting its needs.

I am referencing the Accessibility for Ontarians with Disabilities Act, which was passed in 2005; the Accessibility for Manitobans Act, which was passed in 2013; and most recently, the Accessibility Act in Nova Scotia in 2017.

From a standards development perspective, it varies somewhat amongst how the provincial accessibility laws generally provide for the creation of standards through standard development committees and/or an accessibility advisory board that may create committees to develop standards.

By contrast, C-81 proposes CASDO as that arm's-length independent standards-setting process and the technical committee piece. I'm happy to answer questions about CASDO and its ability to set model standards.

From an accessibility plan perspective—again, similar to provincial laws—C-81 sets out that planning and reporting requirement. One of the big differences, however, is including persons with disabilities in that process in terms of, as well, having a feedback mechanism.

Provincial accessibility laws and Bill C-81 all include provisions to ensure compliance, including provisions for inspections, compliance orders and administrative monetary penalties. In the provinces, these are undertaken by designated directors and inspectors. These individuals are housed within the government departments responsible for administering the act, whereas Bill C-81 establishes unique remedies in relation to the contravention of accessibility requirements that result in harm.

Finally, in terms of that review process, similar to provincial accessibility acts Bill C-81 provides for periodic reviews of the provision and operation of the act, to make sure the act is—

● (1015)

Mr. Wayne Long: You've mentioned provincial jurisdiction, but what about international?

Mr. James Van Raalte: The closest model is within the United States, the Americans with Disabilities Act. Of course, the federated model within the United States and the powers of the federal government vis-à-vis the states are very different from what we have in Canada.

In terms of looking at setting up the CASDO, we did look at the American access board. In fact, Minister Qualtrough travelled to Washington, D.C. almost two years ago and spoke with representatives from that organization in terms of feeding into and informing the legislation.

Beyond that, we looked at the U.K., Australia and New Zealand. This legislation goes far beyond what those jurisdictions are doing.

Mr. Wayne Long: I want to home in a bit on enforceability. We've heard concerns about the enforceability of the standards and regulations created under the framework established by the bill. Can you speak more to enforceability mechanisms? How are you going to enforce this?

Mr. James Van Raalte: I'm going to turn that over to my colleague Mr. Lapalme.

Mr. Erik Lapalme: As I mentioned, there are the three main enforcement bodies under the bill: the accessibility commissioner, the Canadian Transportation Agency and the CRTC. In terms of the proposed accessible Canada act itself, the main body set out there is the accessibility commissioner. The Canadian Transportation Agency has a broadened mandate and increased powers and responsibilities through amendments that are proposed to the Canada Transportation Act. The accessibility commissioner would have a broad range of powers. These are set out in terms of inspections, production orders—a paper-based audit that could request documents—compliance orders to stop an activity and notices of violation. These can be a warning: Something is not good and you're getting a warning, but it should be fixed. It can also be a notice of violation that has an administrative monetary penalty associated with it.

● (1020)

The Chair: Sorry, I have to cut you off.

MP Hogg might give you a few minutes to follow up.

Mr. Gordie Hogg: You can finish.

Mr. Erik Lapalme: Thanks.

These mechanisms are part of what is called the "proactive compliance enforcement". This is the accessibility commissioner proactively going out and ensuring, verifying, compliance with regulatory requirements. Then there's also a remedies process available to individuals. Individuals who have experienced harm as a result of the contravention of regulated standards would be able to file a complaint with the accessibility commissioner, and then the commissioner would potentially launch an investigation. If the complaint is substantiated, then the commissioner has a wide variety of remedies available that he or she could order. They include compensation for pain and suffering, amounts for lost wages, and additional amounts if a practice was the result of a wilful or reckless practice. There are some maximum amounts set out in the legislation for pain and suffering compensation and for wilful and reckless practice, but there are also provisions to ensure that these amounts change over time to account for inflation. There is this proactive side and there is the reactive side to help remedy individual situations of harm.

Mr. Gordie Hogg: Thank you.

Looking at the preamble and the purpose with respect to the legislation, I see there are values and principles that we would all in a free, positive and progressive democratic society support. I look particularly at the reference made that Canada, being a state party to the United Nations convention, "has agreed to take appropriate measures respecting accessibility and to develop and monitor minimum accessibility standards". A little further on it's referred more effectively to the vision or the mission statement, which says:

> ...Parliament considers that it is essential to ensure the economic, social and civic participation of all Canadians, regardless of their abilities or disabilities, and to allow them to fully exercise their rights and responsibilities in a barrier-free Canada;

It's talking about right across Canada.

Yet when we look at this, we see the bill will only affect organizations within federal jurisdictions, including the federal government and federally regulated industries. As a federal government, how do we envision taking this set of principles and values and being able to ensure that we can, I don't know if "inculcate" is the word, but make that a principle, a vision, a statement that is going to be taken on by provinces, local governments, society, all of those things that are not contained within the regulatory provisions of this legislation?

If we're wanting to really change the intent and wanting to really change our country in a positive way around this with all of the things that are laid out here, what types of levers do we have? We often talk about the federal government wanting to use different methods to encourage or incentivize provinces and local governments to be more actively engaged. What do you see as the disconnect? How do we deal with that disconnect between that great set of values and principles and the application of those?

Mr. James Van Raalte: I'm happy to answer this. It's a fundamental question of culture change. The minister speaks of this frequently. I think there are three levers, if I can use those words. One of them is quite formal and then two are more on the informal side.

On the formal side, Bill C-81, again, contemplates the creation of CASDO. The independence of CASDO is very important in terms of its ability to establish model standards that any organization can use. From an ideal perspective, the minister can ask CASDO to establish standards, but other organizations can work with CASDO to establish model standards as well. A province, a municipality or an international organization can approach CASDO and ask it to develop a model standard on—let's pick open spaces, not the built environment, but parks and recreational areas. They could say, we want a model standard, and we want you to form a technical committee. Could you do that for us? CASDO has that ability under the proposed legislation to do that.

Model standards, once they're developed, as I said, can be used by any organization. Having that independence and that model standard means that any jurisdiction, province, territory or municipality can use that model standard to have that coherent approach across Canada.

On the informal side, there is the regular ongoing conversation at a political and officials' level with our provincial and territorial counterparts. For the past two years, as an example, I've been co-chair with my Ontario and Saskatchewan colleagues of an open forum on accessibility, to set the groundwork for a more formal consultation with the provinces and territories, should Bill C-81 be adopted.

How are we going to work together in terms of accessibility coherence across jurisdictions? As I indicated, there is the leadership from Ontario, Nova Scotia and Manitoba. Also active at the table, I would say, are Newfoundland and Labrador and British Columbia with lots of interest in what we're doing and how we're going to work together. I know the minister has had a number of occasions to talk to her provincial and territorial counterparts going forward.

The final informal piece is behaviour change. That is the conversation about how you can do better and how you can take it to the next level. The legislation is just one part of that conversation change. It's a lever to ensure that organizations are talking about accessibility. I think the minister, especially in her business case for why it makes sense to hire persons with disabilities, is also a big, important part of that conversation.

● (1025)

The Chair: Thank you.

Now for six minutes, we will hear from MP Diotte.

Mr. Kerry Diotte (Edmonton Griesbach, CPC): Thanks, Mr. Chair.

I just want to go back. We know that this bill will apply to federal government and federally regulated agencies. We also heard that implementing it could result in up to a $38 billion per year benefit. I'm just trying to understand that a bit more. It seems so huge for something that is not going to apply everywhere. Can you break it down a bit more? It's just staggering.

Mr. James Van Raalte: I'm happy to offer a clarification.

What the minister is talking about is a study that references employment for persons with disabilities and their inclusion in the labour market. The economic benefit to the Canadian economy is estimated at between 1.3% and 1.9% of GDP. For all of those individuals who are able to work and contribute but are now unemployed, if they were working, that's the calculation of that economic benefit.

The legislation will contribute to the employment of persons with disabilities through the development of employment standards around accessible workplaces. Part of the equation in getting persons with disabilities in, and staying in, the labour market is to ensure that hiring organizations have policies from a recruitment, retention and promotion perspective that are accessible and inclusive for persons with disabilities. It is not a one-for-one calculation. There are many other things that the government is doing in terms of supporting the employment of persons with disabilities, as well as our partners within the provinces and territories and the non-profit community.

Mr. Kerry Diotte: Thanks for that.

It seems to me that we're creating a lot of bureaucracy here. You have the Canadian accessibility standards development organization. You'll have an accessibility commissioner, a chief accessibility officer, and there's also talk of hiring 5,000 civil servants.

What would the civil servants be doing? It sounds like they're just going to be regulating.

Mr. James Van Raalte: This is an important question. I'm going to divide it in two parts.

As I said in an earlier response, the announcement about hiring 5,000 new persons with disabilities into the public service is part of the normal hiring practice as attrition occurs and hiring occurs across the Government of Canada.

Right now, the participation rate across the Government of Canada for persons with disabilities is around, I think between 4% and 5%.

● (1030)

Mr. Erik Lapalme: It's 5.6%.

Mr. James Van Raalte: It's 5.6%. Thank you.

When you match that against the fact that 14% of the Canadian population are persons with a disability, while we are meeting our employment equity targets, it still falls quite short of representativeness across the country.

The 5,000 additional hires over the next five years will bump that 5.6% up to somewhere between 7% and 8%.

Again, there's a lot more that can be done in terms of recruitment within the public service to make the public servants representative of persons with disabilities. I'm sure Deputy Minister Laroche will have a lot to say about that on Tuesday. It's something that is near and dear to her heart.

In terms of the new organizations that are contemplated under Bill C-81, just at a high level, I've explained that the Canadian accessibility standards development organization will have a mandate for developing standards on an ongoing basis for the government to consider from a regulatory perspective. It will also have a technical assistance mandate, in terms of being able to help organizations translate what a model standard actually means for an organization. It also has a research mandate, in terms of contemplating and getting ahead of the standards that are needed for the next generation, so that we're not in a reactive mode in standards building or standards development. We'll be looking at and leading on the next range of standards that are going to be needed.

The chief accessibility officer, as I believe I've explained, has that systemic monitoring role. The person will be required to report annually on the progress and implementation of the legislation across the system. Again, it will have that special reporting capacity, should either the minister or somebody from the outside signal that there are problems with the system.

Then finally, there is the accessibility commissioner, who will be housed within the Canadian Human Rights Commission. It is intended to take advantage of the infrastructure that already exists in place within that commission, and will have the proactive compliance and enforcement as well as the complaints-handling mandate that my colleague has explained for the committee.

Mr. Kerry Diotte: This is all very commendable. We all want to make Canada more accessible.

But do you think it's fair to the Canadian taxpayer—you're essentially saying we should sign a blank cheque—especially when some of the people who are lower income would have accessibility issues themselves and probably earn less money. It's their taxes that are going to be impacted by this.

We have no idea what this is going to cost.

The Chair: Very briefly, please.

Mr. James Van Raalte: Very briefly, the regulatory impact assessment statements that are required for each regulation package are required under law, under the cabinet directive on regulations, to include a cost-benefit analysis for each set of regulations.

The Chair: Thank you.

MP Morrissey, please.

Mr. Robert Morrissey: Thank you, Chair.

I want to go back to the 5,000 positions within the public service. I understand that those are existing positions that will be designated to be filled by persons with a disability.

Am I correct?

Mr. James Van Raalte: Yes, you are correct.

Mr. Robert Morrissey: That leads to my second question.

Not only do people with disabilities face greater challenges in the rural parts of the country, but employment opportunities are limited as well.

Has that been analyzed within the department when you made the decision to identify 5,000 positions? That would take your ratio from, I believe you said 5% to 7%, which is still small considering that the population is 14% of people with disabilities.

How would you address the issue of people with barriers in small rural communities with limited federal positions there to begin with?

● (1035)

Mr. James Van Raalte: I think that is a very important question, and it speaks to the range of programming that's offered by the Government of Canada, in terms of the new workforce development agreements that have been negotiated with provinces and territories, and in terms of being able to meet the employment needs of persons with disabilities. As well, there's the opportunities fund, which is another $40 million a year to work with the not-for-profit sector to identify priorities for the supports that a person might require, both to get them into an interview and to get them ready for an interview, and then for the supports they may require in terms of that first job or the transition to another job. That funding, both the funding that is provided to provinces and territories and the opportunities fund, is provided across Canada.

Mr. Robert Morrissey: Do you have any data on what the picture is today, where positions are located?

Mr. James Van Raalte: I'm happy to get that data for the committee. Those responsibilities are elsewhere within my department, but we can certainly supply that for the committee.

Mr. Robert Morrissey: I would like to see a breakdown of where existing positions are located, which are being filled by people with disabilities. I do applaud the minister for setting an initial target. Is this an additional 5,000?

Mr. James Van Raalte: It's not incremental to public service hiring; it is within public service hiring. It's an additional 5,000 over the next five years.

Mr. Robert Morrissey: Is that within the public service?

Mr. James Van Raalte: Yes.

Mr. Robert Morrissey: Still, that number will only go from 5% to 7%.

I want to go back again. You had spoken briefly, I believe, to my colleague Ms. Falk, on exemptions and limitations. I want to apply it to a rural context, again to small identities, small business. You did speak to it briefly in a good way. Could you elaborate a bit more on how the legislation would work in those communities, with businesses in those communities? Would it be similar to an urban centre, which would have a large footprint?

Mr. James Van Raalte: It's the same process for any regulated entity seeking an exemption. There would be an application made to the responsible minister or regulatory body. Depending on the jurisdiction, it could be the minister responsible for accessibility, it could be the minister of transport, who is responsible for the Canadian Transportation Agency, or it could be the CRTC. The public service would then provide advice to the minister responsible on whether that exemption, and the basis for that exemption, were founded. Then there would a determination by the responsible minister or the responsible body, and that exemption must be published, for transparency purposes, in the Canada Gazette.

Mr. Robert Morrissey: Do you know what the timeline would be around that? Have you determined that?

Mr. James Van Raalte: I have to say no.

Mr. Robert Morrissey: You're referencing a lot of departments, and different departments and agencies would have to respond. Is there a governance model in place that supports this whole-of-government implementation? Obviously it requires a whole-of-government implementation process. I'm not sure if that was addressed. You may have, but I'm not sure if it was.

The Chair: Briefly, please.

Mr. James Van Raalte: It was addressed. It's at three levels. There is the new deputy responsible for public service accessibility. Again, she'll be happy to present to the committee on Tuesday. Each deputy minister is required to submit an accessibility plan, and so there's lots of governance amongst and between deputy ministers and departments.

Mr. Robert Morrissey: That deputy minister's primary responsibility is to oversee the whole of government.

● (1040)

Mr. James Van Raalte: She will be responsible for developing a Government of Canada strategy to allow the Government of Canada to become a leader on accessibility.

The Chair: Thank you.

MP Falk, go ahead, please.

Mrs. Rosemarie Falk: Thanks, Chair.

I know I've heard a lot this morning about culture change. In my previous experience in my line of work, I had the opportunity to work with people who had an array of disabilities.

I'm just wondering if there really is the belief that creating a whole new bureaucracy, more departments and more red tape is actually going to shift the culture. I know through working with people that it was the worst when we would have to call this person, that person and that person just to get them a ride somewhere, or work with social services, or that type of thing. So I'm just really wondering if creating this whole new department is going to shift the culture as it seems to be believed will really happen.

Mr. James Van Raalte: I think there are a couple of policy responses to that question.

First, we do know that directly involving persons with disabilities in the decisions that affect them will affect that culture change. Having them involved in an organization where they are informing the development of accessibility plans and informing how that organization thinks about persons with disabilities—both employees with disabilities and customers or citizens with disabilities—will change the conversation about how that organization approaches that customer base or those employees.

From a policy perspective, having persons with disabilities involved in governing the Canadian accessibility standards development organization and being involved in technical committees for standards development, again, will change the conversation about those issues that affect the lives of persons with disabilities.

Do I think legislation is the only silver bullet for changing the conversation? That's not what I'm saying. There are lots of other things that can and should be done in terms of that culture change.

Mrs. Rosemarie Falk: I guess really my point is that I don't think a top-down approach works well. I think if we're really going to shift culture, it's everyday people at the grassroots level whom we have to impact. I guess that's just my question. I just don't see how effective, tangible, real change is going to happen today by doing all these consultations and all these reports that are projected for years down the road.

The Chair: Okay. Thank you.

That actually frees up some time.

MP Hardcastle.

Ms. Cheryl Hardcastle: Thank you.

I want to go back to the issue of exemptions, because I'm still trying to understand. It's the minister who has to deem the exemption.

We already have a track record for the CRTC and the CTA, to be frank. That's where my concern is. What is the recourse? What is the appeal process?

Right now, there's no publishing of the decisions and the rationale for them. There's nothing articulated in the bill right now. That's my concern.

I'm not saying that all of these decisions would be arbitrary, but do you see where I'm going? Maybe there's an opportunity where we need to have an amendment, unless I'm understanding it wrong. When a decision is made for an exemption, and I'm in the persons living with disability community—which we just heard here today is supposed to sharpen our swords and advocate whenever we need to on the ground—how do I do that if I don't understand rationale and there's no mechanism right now for me to appeal that decision?

Does that seem as if maybe I'm missing a beat and misunderstanding it, or do you see an opportunity for us to maybe re-examine that?

● (1045)

Mr. James Van Raalte: From a transparency perspective, the decisions around an exemption do have to be published in the Canada Gazette, so there is an accountability mechanism there in terms of making the public aware of a decision by either a minister or the regulatory body.

From an appeal perspective, ministers can always change their mind. More importantly, from a flexibility perspective, a minister can put conditions on the exemption. The exemption can be time-limited. The exemption can be a partial exemption. I don't want to leave the committee with the impression that it's a carte blanche. But the appeal mechanism would be to the decision-making body itself.

Ms. Cheryl Hardcastle: Through you, Mr. Chair, the rationale for the decision doesn't have to be published though.

Mr. James Van Raalte: That is correct.

Ms. Cheryl Hardcastle: And there isn't a direct appeal process. That's okay if it's just an area we need to explore. I get that. I don't know if that would be under the office of the commissioner or—

Mr. James Van Raalte: I will clarify that exemptions under the act are undertaken in consultation with the accessibility commissioner.

The Chair: Excellent. Thank you.

That takes us to the end of our second round.

Sorry, Madam Hardcastle, go ahead.

Ms. Cheryl Hardcastle: Mr. Chair, maybe we can have that information circulated to the members of the committee just to clarify right now as we go into contemplating amendments. Right now, is there an appeal process for a member of the community to appeal a decision? I think it would be important for us to have that information.

Thanks.

The Chair: Thank you to everybody present today and watching at home. I want to personally thank those involved in working on the logistics and set-up we have here today. This is unique, and I think it's important to recognize their efforts and the efforts moving forward in this study.

Just as housekeeping on future business, on October 4 we are back here in this space. Again we're going to be working on Bill C-81, in our first session with witnesses. After the break we're back here again in this space on October 16 to meet with the minister and witnesses on motion M-110. Again, thank you to the department officials for being here with us today.

The meeting is adjourned.

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